

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

REBECCA SHAW,

Plaintiff,

vs.

**Case No.: 2:15-cv-3033
JUDGE GEORGE C. SMITH
Magistrate Judge Jolson**

**CAROLYN W. COLVIN, ACTING
COMMISSIONER OF SOCIAL SECURITY,**

Defendant.

ORDER

On September 1, 2016, the United States Magistrate Judge issued a *Report and Recommendation* recommending that Plaintiff's statement of errors be overruled and that judgment be entered in favor of the Defendant, the Commissioner of Social Security. (*See Report and Recommendation*, Doc. 17). This matter is now before the Court on Plaintiff's Objections to the Magistrate Judge's *Report and Recommendation*. (Doc. 18). Defendant has replied. The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Plaintiff's objections primarily restate the arguments she previously asserted in the Statement of Errors, including that the Administrative Law Judge ultimately determined that Plaintiff was not disabled and could work. Plaintiff asserts that "[i]f I were able to work, I would be working!" (Doc. 18, Pl.'s Objs. at 4). Plaintiff also appears to challenge the Magistrate Judge's conclusion that the ALJ's findings regarding Plaintiff's credibility should be given deference. However, the Administrative Law Judge has the opportunity to observe a witness's

demeanor while testifying and therefore those credibility determinations are given great weight and deference. *See Buxton v. Halter*, 246 F.3d 762, 773 (6th Cir. 2001). Plaintiff's objections are not new challenges, and all of the issues raised were carefully considered by both the ALJ and the Magistrate Judge in the *Report and Recommendation*. Plaintiff does argue that her condition is getting worse, however, the Court has carefully reviewed the record and there is not documentation that Plaintiff's impairments prevent her from working.

The Court has carefully considered all of Plaintiff's arguments raised in her Statement of Errors and the Objections to the Magistrate Judge's *Report and Recommendation*. The Court agrees with the Magistrate Judge's analysis of the issues raised. For the reasons stated in the well-reasoned *Report and Recommendation*, this Court finds that Plaintiff's objections are without merit.

Based on the aforementioned and the detailed *Report and Recommendation*, the Court finds that Plaintiff's objections have been thoroughly considered. Accordingly, the *Report and Recommendation*, Document 17, is **ADOPTED** and **AFFIRMED**. Plaintiff's Objections are hereby **OVERRULED**. Plaintiff's Statement of Errors is hereby **OVERRULED**, and the decision of the Commissioner of Social Security is **AFFIRMED**.

The Clerk shall remove Documents 17 and 18 from the Court's pending motions list, and enter final judgment in favor of Defendant, the Commissioner of Social Security.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT